

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL FLOOD, JR. and ALECIA** : **Civil Action No.: 2:18-cv-1310**  
**FLOOD, individually and as Parents and** :  
**Natural Guardians of T.F., a minor,** :

**Plaintiffs**

**vs.**

**GEORGE VILLEGAS, JR. and PAM** :  
**VILLEGAS, individually and as Parents** :  
**and Natural Guardians of MEGAN** :  
**VILLEGAS; DAVID and CHRISTY** :  
**SHERK, individually and as Parents and** :  
**Natural Guardians of K.S., a minor; DAVID** :  
**and CHRISTINE SEAMAN, individually** :  
**and as Parents and Natural Guardians of** :  
**C.S., a minor; CRIS and KIMBERLY** :  
**SALANCY, individually and as Parents** :  
**and Natural Guardians of E.S., a minor;** :  
**DAVID and LYNN REINA, individually and** :  
**as Parents and Natural Guardians of H.R.,** :  
**a minor; SENECA VALLEY SCHOOL** :  
**DISTRICT; BUTLER COUNTY DISTRICT** :  
**ATTORNEY’S OFFICE; and BUTLER** :  
**COUNTY, PENNSYLVANIA,** :

**Defendants.**

**REPLY BRIEF OF CRIS AND KIMBERLY SALANCY AND**  
**THEIR MINOR DAUGHTER E.S. TO**  
**PLAINTIFFS’ BRIEF IN OPPOSITION TO RULE 12(f) MOTIONS**

The Salancy family (parents and child) filed the instant and rather brief Motion to Strike the gratuitous use of the derogatory name “mean girls” from plaintiffs’ Complaint, and that Motion was joined in by the Villegas family, the Sherk family and the Seaman

family. Prior to filing that Motion and the Motions to Dismiss filed on behalf of the Salancy family, a call was placed to plaintiffs' counsel who responded that Rule 12 motions would be frivolous, and referring to his prior litigation with the Plum School District, stated:

After I won the Rule 12 motions (Judge Nora Barry Fischer), I was interviewed on tv and called the defendants a "pit of vipers". Defendants then lost a gag order motion. Within 2 months, the superintendent and principal resigned, the school board was voted out and the new school board decided to settle to avoid adverse publicity.

The undersigned counsel took this to mean that plaintiffs' counsel would undertake to get as much negative publicity as he could with respect to the defendants and use that pressure to leverage a settlement. As it turns out, plaintiffs' counsel is indeed a man of his word, and his current Response and supporting Brief with respect to the Rule 12(f) Motion to Strike provides yet further support for the request to strike scandalous, impertinent and gratuitous insults that detract from the dignity of this Court and are simply "sound bites" designed to garner negative publicity with respect to defendants.

That is, plaintiffs have added to the top of the title of their Brief in Opposition to the Rule 12(f) Motion a new phrase, "snitches get stitches", and attached to that Brief a one-page reproduction of a photograph of a computer screen labeled Exhibit 1. They describe this document, which is nowhere in the record and is undated and unauthenticated, on page 6 of their Brief as follows:

**Exhibit 1** is a private Instagram post by Defendant, E.S., where she engaged in witness intimidation shortly after this suit was filed by posting: “snitches get stitches”. That behavior is consistent with conduct of a “mean girl” and of a “tormentor” and ironic because E.S. and her parents content that characterizing her behavior as a “mean girl” is scandalous and impertinent.

Ignoring the obvious impropriety of attaching this random document, what is noteworthy is the incredible inaccuracy of the statements made about it.

The only thing that is correct about the new facts plaintiffs wish to now insert into this case is that Exhibit 1 is a “screen shot” of the private Instagram account of E.S. Nothing, however, was posted after this lawsuit was filed, or even in the period of time between the alleged March, 2018 sexual assault and today. Further “snitches get stitches” is not a post and has nothing to do with this case.

While a response to this extraneous material may not be necessary, the Salancys offer the following with respect to these ridiculous allegations: a) the Instagram account was opened in January of 2018; b) “snitches get stiches” is not a post, but a tag line that was attached to the account; c) “snitches get stiches” is a phrase E.S. and her sister used for years to tease each other about tattling to their parents; d) the account had but one post, which was a photograph posted approximately 50 weeks ago; and e) nothing about this account, its tag lines, or its one post has anything to do with this case or with any supposed witness intimidation by E.S. (who at no time ever claimed to have been sexually assaulted or, for that matter, ever claimed to have even seen a sexual assault).

The insertion of this extraneous document into plaintiffs’ Response to a simple Motion to Strike an insulting phrase plaintiffs seek to attach to 15 year-old girls, and then

to misuse its contents to falsely assert that it shows these girls are “mean” and appropriately called “tormentors”, is irresponsible (to say the least). It does, however, demonstrate how plaintiffs and their counsel are using these sound bites to manipulate negative press coverage of defendants. A lengthy article appeared on Tuesday evening in the Butler Eagle with the subheading “Lawyer argues for ‘mean girls’ descriptor”, which of course also mentioned “snitches get stiches” and quoted plaintiffs’ “urban dictionary” definition of “mean girls” to incorporate new phrases into the verbal assault such as “girl aggression”.

Getting back to reality, however, the screen shot plaintiffs’ counsel has attached to their Response really has nothing to do with the Motion to Strike.<sup>1</sup> It is nevertheless instructive because it illustrates the reason that the Motion to Strike was filed in the first place. What plaintiffs call “fair, accurate and relevant descriptions” are no more than insulting, argumentative and pejorative rhetorical hyperbole that is wholly unnecessary to the pleading of facts. The gratuitously insulting phrase “mean girls” should be stricken.<sup>2</sup>

---

<sup>1</sup> The Memorandum Order of Judge Fischer which is attached as Exhibit 2 doesn’t have anything to do with this case either. No one is asking that Rule 3.6 of the Pennsylvania Rules of Professional Conduct be adopted into an order of court or asking for a “gag order”. The Salancys just want plaintiffs to keep their gratuitous insults out of the pleadings and motions.

<sup>2</sup> Plaintiffs and their counsel don’t need to hide behind their pleadings and motions to make statements that are truly fair and accurate descriptions. Perhaps, however, they wish to put insults and fabrications into pleadings and motions to avail themselves of the absolute privilege that attaches to parties, witnesses and counsel in conjunction with judicial proceedings.

Respectfully Submitted,

CIPRIANI & WERNER, P.C.

s/Jennifer M. Swistak

Jennifer M. Swistak, Esquire

Pa. I.D. No. 75959

650 Washington Road, Suite 700

Pittsburgh, PA 15228

(412) 563-2500

[jswistak@c-wlaw.com](mailto:jswistak@c-wlaw.com)

s/S. Michael Streib

S. Michael Streib, Esquire

Pa. I.D. No. 30376

300 Oxford Drive, Suite 75

Monroeville, PA 15146

(412) 566-1090

[smstreiblawnfirm@hmbn.com](mailto:smstreiblawnfirm@hmbn.com)

Counsel for Defendants Cris and Kimberly Salancy and  
their daughter E.S., a minor

CERTIFICATE OF SERVICE

All parties represented by counsel have been served by the Court's CM/ECF system. David Reina and Lynn Reina are unrepresented, and have been served with this document via e-mail at the e-mail addresses listed on their Waiver of the Service of Summons forms as follows:

Lynn Reina ([shields148@hotmail.com](mailto:shields148@hotmail.com))

David Reina ([pghsteelers74@hotmail.com](mailto:pghsteelers74@hotmail.com))

*s/S. Michael Streib*  
S. Michael Streib, Esquire  
Pa. I.D. No. 30376  
300 Oxford Drive, Suite 75  
Monroeville, PA 15146  
(412) 566-1090  
[smstreiblawnfirm@hmbn.com](mailto:smstreiblawnfirm@hmbn.com)